

JANUARY 31, 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ABDIKARIM MOHAMUD)
A077-607-090)

Plaintiff,)

v.)

Ruth A. Dorochoff, District)

Director of the USCIS,)

Department of Homeland)

Security; Michael Chertoff,)

Secretary, Department of)

Homeland Security;)

Michael B. Mukasey,)

Attorney General,)

U.S. Department of Justice)

&)

Robert S. Mueller,)

Director, Federal Bureau of)

Investigation)

Defendants)

No.

08 C 694

**JUDGE COAR
MAGISTRATE JUDGE SCHENKIER**

COMPLAINT FOR HEARING ON NATURALIZATION APPLICATION

UNDER 8 USC SEC. 1447(B)

Plaintiff, by his undersigned attorney, complaining of Defendants, allege as follows:

1. Plaintiff is an individual and permanent resident of the United States who resides within the jurisdiction of this court. Plaintiff's claim to naturalization arises under 8 U.S.C. Sec. 1447(b).
2. Plaintiff is a resident of Chicago, Illinois.

3. Plaintiff was granted his permanent residency on September 23, 1999. *See* Exhibit 1.
4. Any named defendant is sued in his official capacity only.
5. Ruth A. Dorochoff, the Defendant herein, is the District Director of the United States Citizenship and Immigration Services (USCIS) and is sued herein in her official capacity. Defendant is responsible for the grant or denial of naturalization applications filed within the Chicago USCIS District Office. The Federal Bureau of Investigation ("FBI") is named as a party to this action because they conduct a name/security check for the DHS as part of the application process.
6. The Court has jurisdiction in this action pursuant to 8 U.S.C. Sec. 1447(b), 28 U.S. C. Sec. 2201 as well as 28 U.S.C. §1331 & §1361.
7. In 2005 Plaintiff submitted an application for naturalization to USCIS. In January 2006 Plaintiff was interviewed on his application at USCIS Milwaukee Field Office. During the time of the interview the Plaintiff was informed that he had successfully passed the tests for English and U.S. history and government and that a decision cannot be made on his application due to the pending background check.
8. Plaintiff maintains that he meets all statutory requirements for eligibility for naturalization.
9. In October 2006 Plaintiff moved to Chicago and his naturalization application has been transferred to the Chicago USCIS District Office.

10. In approximately August 2007 Plaintiff made an inquiry to the USCIS concerning his application for naturalization and received a response stating that his case was held pending the background investigation.
11. The application for naturalization has been pending for over 24 months since the time of examination. It is imperative that Plaintiff's application be adjudicated as soon as possible, because the delay by the DHS and FBI is unreasonable, and the Plaintiff is precluded from enjoying the rights and responsibilities of being a Citizen of the United States due to agency inaction.
12. Plaintiff has no other adequate remedy for the agency failure to complete and adjudicate the application for citizenship.
13. More than 120 days have passed since the Plaintiff's interview and "examination" in his naturalization application and the Defendant has failed to make a determination under 8 U.S.C. Sec. 1446 of the Plaintiff's naturalization application. The Defendant's failure to make a determination on Plaintiff's application for naturalization within the 120-day statutory period from the date of examination allows Plaintiff to bring the matter to this Court for a hearing pursuant to 8 U.S.C. Sec. 1447(b).
14. Plaintiff desires a judicial determination of his naturalization application and a declaration that he is entitled to be naturalized as a Citizen of the United States.

WHEREFORE, the Plaintiff prays that:

1. The Court will hear Plaintiff's case and render a judgment and determine the matter of naturalization, or in the alternative remand the matter with appropriate instructions to the USCIS to determine the matter.

2. The Court grant such further relief, including attorney fees and costs of this action, as may be just, lawful, and equitable in the premises.


Respectfully submitted,

MARK S. DAVIDSON
Attorney for Plaintiff

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PERMANENT RESIDENT CARD

NAME MOHAMUD, ABDIKARIM Y

 INS A# 077-607-090

Birthdate 01/01/71 Category RE6 Sex M

Country of Birth Somalia

CARD EXPIRES 12/31/12

Resident Since 09/23/99

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7101010M1212318SOM<<<<<<<<<<<<<6
MOHAMUD<<ABDIKARIM<YASSIN<<<<<<<

EXHIBIT 1